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APR 14 2009

OFFICE OF PETITIONS

In re Application of :
Noel Tenorio :
Application No. 09/970,371 : DECISION ON PETITION
Filed: October 2, 2001 : PURSUANT TO
Attorney Docket No.: : 37 C.F.R. § 1.181(A)
020431.0917 :
Title: PROVIDING VISUALIZATION :
OF MARKET OFFERS USING PATTERNS :
OF GEOMETRIC DISPLAY ELEMENTS :
:

This is a decision on the petition pursuant to 37 C.F.R. § 1.181(a), filed on October 15, 2008, requesting that the holding of abandonment in the above-identified application be withdrawn.

Receipt of the concurrently submitted amendment is acknowledged.

This petition pursuant to 37 C.F.R. § 1.181(a) is **GRANTED**.

BACKGROUND

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action, mailed January 25, 2008, which set a shortened statutory period for reply of three months. No response was received, and no extensions of time under the provisions of 37 C.F.R. § 1.136(a) were requested. Accordingly, the above-identified application became abandoned on April 26, 2008.

ANALYSIS

Petitioner has alleged that the mailing was not received.¹ The electronic file has been reviewed, and it is clear that the Office communication was returned to the Office by the United States Postal Service on February 4, 2008.²

Considering the facts and circumstances of the delay at issue, as set forth on petition, it is concluded that Petitioner has met his burden of establishing that the non-final Office action of January 25, 2008 was not received.

Accordingly, the petition pursuant to 37 C.F.R. § 1.181(a) is **GRANTED**. The holding of abandonment is **WITHDRAWN**.

CONCLUSION

The Technology Center will be notified of this decision. The Technology Center's support staff will notify the Examiner of this decision, so that the amendment that was received with the present petition can be processed.

Petitioner may find it beneficial to view Private PAIR within a fortnight of the present decision to ensure that the withdrawal of the holding of abandonment has been acknowledged by the Technology Center in response to this decision. It is noted that all inquiries with regard to any failure of that change in status should be directed to the Technology Center where that change of status must be effected - **the Office of Petitions cannot effectuate a change of status.**

It is noted that the address listed on the petition differs from the address of record. The application file does not indicate a change of correspondence address has been filed in this case, although the address given on the petition differs from the address of record. If Petitioner desires to receive future correspondence regarding this application, the change of correspondence address must be submitted. A courtesy copy of this decision will be mailed to Petitioner. However, all future correspondence will be directed to the address of record until such time as appropriate instructions are received to the contrary. Petitioner will not receive future correspondence related to this application unless Change of Correspondence

¹ It is noted in passing that a statement from the Assignee has been provided with this petition.

² The returned mailing does not contain an indication from the USPS as to why delivery was not successfully completed.

Address, Patent Form (PTO/SB/122) is submitted for the above-identified application. For Petitioner's convenience, a blank Change of Correspondence Address, Patent Form (PTO/SB/122), may be found at <http://www.uspto.gov/web/forms/sb0122.pdf>.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3225.³ All other inquiries concerning examination procedures or status of the application should be directed to the Technology Center.

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

cc: BOOTH UDALL, PLC
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³ Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for any of Petitioner's further action(s).